UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>12 March 2009</u>.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-9, 11-31, 33-46 and 55-59</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-9, 11-31, 33-46, and 55-59</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-9, 11-31, 33-46, and 55-59 have

been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims are 1-9, 15, 16, 18-20, 29-34, 36-40, 42, 55, 57, and 58 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Jaisimha et al. (US 6,487,663 B1) in

view of Robbin (US 6,731,312 B2).

        Consider claims 1, 20, and 29, Jaisimha et al. teach a method implemented on

a computing device by a processor configured to execute instructions, that, when

executed by the processor, direct the computing device to perform acts comprising:

receiving multimedia content from a source (Fig. 5); creating a linked set of components

to process the multimedia content (col. 8, lines 28-30 and col. 9, lines 16-23);

determining if the computing device has an authority to record the multimedia content

(col. 13, lines 19-28 and Fig. 8B); selectively providing a recording component in the

linked set of components to record the multimedia content if the computing device is

determined to have the authority to record the multimedia content (col. 13, lines 19-28);

and rendering the multimedia content with use of the linked set of components (col. 12,

lines 52-61 and Fig. 8B) but does not explicitly teach the linked set of components does not include the recording component if the computing device is determined not to have the authority to record the multimedia content.

Robbin teaches the linked set of components does not include the recording component if the computing device is determined not to have the authority to record multimedia content (Fig. 3 and Fig. 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the techniques of not including the recording component in the linked set of components if the computing device is determined not to have the authority to record the multimedia content so that the user will be clear about whether the multimedia content can be recorded.

Consider claims 2, and 31, Jaisimha et al. teach the method wherein the receiving is from an Internet website (Fig. 5).

Consider claim 3, Jaisimha et al. teach the method wherein the receiving comprises protected multimedia content (claim 8)

Consider claim 4, Jaisimha et al. teach the method wherein the receiving comprises encrypted multimedia content and the determining is based as to the ability to decrypt the multimedia content (claim 13).

Consider claim 5, Jaisimha et al. teach the method wherein the creating comprises components to render the multimedia content whether providing a recording component is performed or not (col. 12, lines 52-61).

Consider claims 6 and 34, Jaisimha et al. teach the method wherein the creating is performed for every instance multimedia content is received (col. 10, lines 24-32).

Consider claim 7, Jaisimha et al. teach the method wherein the linked set of components is destroyed once rendering is complete (the user can close the RealPlayer once the rendering is complete).

Consider claim 8, Jaisimha et al. teach the method wherein the determining if the computing device has the authority is based on a predetermined protocol with the source (col. 2, lines 33-50).

Consider claim 9, Jaisimha et al. teach the method wherein the predetermined protocol is based on encryption and decryption keys shared with the source (col. 9, lines 37-42).

Consider claim 15, Jaisimha et al. teach the method wherein the providing is based on the recording component being registered to be installed in the linked set of components (since the Recording component comes with the RealPlayer, it is registered to be installed in the linked set of components, col. 13, lines 19-28).

Consider claim 16, Jaisimha et al. teach the method further comprising establishing a user interface component to the recording component, wherein the user interface component has a view associated therewith (col. 13, lines 22-25).

Consider claim 18, Jaisimha et al. teach the method wherein the user interface component is part of a media player that comprises the linked set of components (col. 13, lines 22-25).

Consider claim 19, Jaisimha et al. teach the method wherein the user interface component is external to a media player that comprises the linked set of components (the user uses a mouse (user interface that is external to the media player) to click on the record command button, col. 13, lines 22-25).

Consider claim 20, Jaisimha et al. teach a personal computer that performs the method of claim 1 (col. 5, lines 30-50 and Fig. 2).

Consider claim 30, Jaisimha et al. teach the computer wherein the multimedia content comprises audio content and video content (col. 12, lines 52-61).

Consider claim 32, Jaisimha et al. teach the computer wherein the means for rendering comprises creating a linked set of components (col. 10, lines 24-32).

Consider claim 33, Jaisimha et al. teach the computer wherein the linked set of components comprises a recording component (col. 13, lines 19-28).

Consider claim 36, Jaisimha et al. teach the computer wherein the means for storing comprises setting a flag in a recording component to indicate that the computing device has the authority to record the multimedia content (col. 13, lines 28-35).

Consider claim 37, Jaisimha et al. and Robbin teach a computer comprising: a memory (col. 5, lines 30-50); a processor coupled to the memory (col. 5, lines 30-50 of Jaisimha et al.); and instructions stored in the memory and executable on the processor to access streaming multimedia content from a source (Fig. 5 of Jaisimha et al.), render the streaming multimedia content by creating a linked set of components (col. 12, lines 52-61 of Jaisimha et al.), determine if the computer has an authority to record the streaming multimedia content (col. 13, lines 19-28 and Fig. 8B of Jaisimha et al.),

selectively initiate a recording component to record the multimedia content if the computer is determined to have the authority to record the streaming multimedia content (Fig. 8B and col. 13, lines 19-28 of Jaisimha et al.), and store the streaming multimedia content to a local storage device (Fig. 8B of Jaisimha et al.), with the recording component being omitted if the computer is determined not to have the authority to record the multimedia content (Fig. 8A, Fig. 8B, and col. 12, lines 52-61 of Jaisimha et al. and Fig. 3 and Fig. 4 of Robbin).

Consider claim 38, Jaisimha et al. teach the computer wherein the streaming multimedia content is received from an Internet website (Fig. 5).

Consider claim 39, Jaisimha et al. teach the computer wherein the streaming multimedia comprises encrypted multimedia content (claim 8 and claim 13).

Consider claim 40, Jaisimha et al. teach the computer wherein the computer has the authority to record the multimedia content if the computer is able to decrypt the encrypted multimedia content (claim 13).

Consider claim 42, Jaisimha et al. teach the computer wherein the instructions further comprise providing a user interface to initiate rendering and recording (col. 5, lines 42-49, RealPlayer has user interface (play button) for rendering and col. 13, lines 19-28).

Consider claim 55, Jaisimha et al. teach the method wherein the user interface component is destroyed when a differing view of the user interface component is chosen (Fig. 3).

Consider claim 57, Jaisimha et al. teach the computer further comprising establishing means for creating a user interface component to the recording component, wherein the user interface component has a view associated therewith (col. 12, lines 22-25), and destroying the user interface component when a differing view of the user interface component is chosen (Fig. 3).

Consider claim 58, Jaisimha et al. teach the computer wherein the user interface component is destroyed when a differing view of the user interface component is chosen (Fig. 3)

4.   Claims 11-14, 21, 23-28, 35, 41, 44, 45, 56, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisimha et al. (US 6,487,663 B1) in view of Robbin (US 6,731,312 B2) and Kimura (US 6,744,975 B1).

Consider claim 11, Jaisimha et al. and Robbin teach all the limitations in claim 1 but fail to explicitly teach the method wherein the providing a recording component comprises a writer component connected to the recording component which stores the multimedia content to a local storage device.

Kimura teaches the method wherein the providing a recording component comprises a writer component connected to the recording component which stores the multimedia content to a local storage device (18, 21, 22, and 23 of Fig. 1 are the equivalents of the write component). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the writer component to store the multimedia content in a local storage device for later viewing.

Consider claim 12, Kimura further teaches the method wherein the multiplexes audio and video content (15 of Fig. 1).

Consider claim 13, Kimura further teaches the method wherein the writer component compresses the multimedia prior to storing to the local storage device (12 and 14 of Fig. 1).

Consider claim 14, Kimura further teaches the method wherein the writer component makes use of a predetermined protocol to store the multimedia content to the local storage device, where the predetermined protocol is used to play back the multimedia content (col. 4, lines 29-32).

Consider claim 21, Jaisimha et al., Robbin, and Kimura teach a method implemented on a computing device by a processor configured to execute instructions, that, when executed by the processor, direct the computing device to perform acts comprising: receiving a stream of multimedia content from a source (Fig. 5 of Jaisimha et al.); separating the streamed multimedia content into audio content and video content (34 of Fig. 1 of Kimura); determining if the computing device has an authority to record the audio content and the video content (col. 13, lines 19-28 and Fig. 8B of Jaisimha et al.), initiating a first linked set of components to process the audio content, and a second linked set of components to process the video content (col. 8, lines 28-30 and col. 9, lines 16-23 of Jaisimha et al.); creating a first recording component in the first linked set of components to record the audio content if the computing device is determined to have the authority to record the audio content, and a second recording component in the second linked set of components to record video content if the

computing device is determined to have the authority to record the video content (col. 13, lines 19-28 and Fig. 8 of Jaisimha et al.); and providing audio output from the first linked set of components and video output from the second linked set of components (col. 12, lines 52-61 of Jaisimha et al.), with the first recording component being omitted from the first linked set of components if the computing device is determined not to have the authority to record the audio content and the second recording component being omitted from the second linked set of components, if the computing device is determined not to have the authority to record multimedia content (Fig. 8A, Fig. 8B, and col. 12, lines 52-61 of Jaisimha et al. and Fig. 3 and Fig. 4 of Robbin).

Jaisimha et al., Robbin, and Kimura teach the claimed invention except for a first and a second linked set of components to process, record, and output video and audio contents respectively. It would have been obvious to one of ordinary skill in the art at the time the invention was made to separate the linked set of components that are able to process, record, and output video and audio contents into two linked sets of components since it has been held that constructing formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Consider claim 23, Jaisimha et al. teach the method wherein the receiving the stream of multimedia content is from an Internet source (Fig. 5).

Consider claim 24, Jaisimha et al. teach the method wherein the receiving the stream comprises protected multimedia content (claim 8).

Consider claim 25, Jaisimha et al. and Robbin teach the method wherein the creating is performed based on registration of the first recording component if the computing device has the authority to record audio content, and registration of the second recording component if the computing device has the authority to record video content (since the Recording component comes with the RealPlayer, it is registered to be installed in the linked set of components, col. 13, lines 19-28 of Jaisimha and Fig. 3 and Fig. 4 of Robbin).

Consider claim 26, Jaisimha et al. teach the method wherein the creating of first and second recording components is based on a predetermined protocol to allow recording of audio and video content (col. 2, lines 33-50).

Consider claim 27, Jaisimha et al. and Kimura fail to explicitly teach the method wherein the creating of the first recording component is performed when the computing device has the authority to record if audio content is not protected, and creating the second recording component is performed when the computing device has the authority if video content is not protected. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create the first and second recording component as authorized to record audio and video, respectively, if they are not protected since it was known in the art that if the audio and video are not protected, they are free to record.

Consider claim 28, Jaisimha et al. teach the method wherein the creation of the first recording component is performed when the computing device has the authority to record if a predetermined protocol is established to allow audio content to be copied,

and creation of the second recording component is performed when the computing

device has the authority to record if the predetermined protocol is established to allow

video content to be copied (Fig. 8B and col. 13, lines 19-28).

Consider claim 35, Kimura teaches the computer wherein the means for storing

comprises a writer component that is initiated if multimedia content is authorized to be

stored (col. 5, lines 10-22).

Consider claim 41, Kimura teaches the computer wherein the instructions

further comprise separating the multimedia content into audio content and video content

that are rendered separately (Fig. 1).

Consider claim 44, Jaisimha et al. Robbin, and Kimura teach a computer-

readable medium having computer-executable instructions, which, when executed by a

computer-implement a method or system comprising: contacting a server computer to

send multimedia content (Fig. 5 of Jaisimha et al.); receiving the multimedia content

(Fig. 5 of Jaisimha et al.); determining if the computer has the authority to record the

multimedia content (col. 13, lines 19-28 and Fig. 8B of Jaisimha et al.); separating the

multimedia content into audio content and video content (Fig. 1 of Kimura);

decompressing the audio content and video content (35 and 37 of Fig. 1 of Kimura);

creating an instance of a recording component to record the decompressed audio

content and video content if the computer is determined to have the authority to record

the multimedia content (Fig. 8B and col. 13, lines 19-28 of Jaisimha et al.); rendering to

audio output the decompressed audio content and to video output the decompressed

video content, with the rendering using the instance of the recording component if the

computer is determined to have the authority to record the multimedia content (Fig. 8B

and col. 12, lines 52-61 of Jaisimha et al.); and destroying the instance of the recording

component after the multimedia content is rendered if the computer is determined not to

have the authority to record the multimedia content (the user can close the RealPlayer

once the rendering is complete), to record the multimedia content (Fig. 8A, Fig. 8B, and

col. 12, lines 52-61 of Jaisimha et al. and Fig. 3 and Fig. 4 of Robbin)

Consider claim 45, Jaisimha et al. teach the computer-readable medium further

comprising a step of writing the decompressed audio and video content to a local file if

the computer is determined to have the authority to record (col. 13, lines 19-33).

Consider claim 56, Jaisimha et al. teach the method further comprising

establishing a user interface component to the recording component, wherein the user

interface component has a view associated therewith (col. 13, lines 22-25), and

destroying the user interface component when a differing view of the user interface

component is chosen (Fig. 3).

Consider claim 59, Jaisimha et al. teach the computer-readable medium further

comprising establishing a user interface component to the recording component,

wherein the user interface component has a view associated therewith (col. 13, lines

22-25), and destroying the user interface component when a differing view of the user

interface component is chosen (Fig. 3).

1.   Claims 17 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Jaisimha et al. (US 6,487,663 B1) in view of Robbin (US 6,731,312 B2) and Horie

et al. (US 2002/0094191 A1).

Consider claims 17 and 43, Jaisimha et al. teach all the limitation in claim 1 but fail to teach the method wherein the user interface component provides status as to recording and rendering states.

Horie et al. teach the method wherein the user interface component provides status as to recording and rendering states ([0089] and [0108]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide status of the recording and rendering states to show the user the progress of the recording and rendering.

2.   Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisimha et al. (US 6,487,663 B1) in view of Robbin (US 6,731,312 B2) and Kimura (US 6,744,975 B1) as applied to claim 44 above, and further in view of Horie et al. (US 2002/0094191 A1).

Consider claim 46, Jaisimha et al. and Kimura teach all the limitations in claim 44 but fail to teach the computer-readable medium further comprising a step of providing states as to recording and rendering.

Horie et al. teach the method wherein the user interface component provides status as to recording and rendering states ([0089] and [0108]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide status of the recording and rendering states to show the user the progress of the recording and rendering.

3.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisimha

et al. (US 6,487,663 B1) in view of Robbin (US 6,731,312 B2) and Kimura (US

6,744,975 B1) as applied to claim 21 above, and further in view of Hazra (US 6,510,553

B1).

Consider claim 22, Jaisimha et al. and Kimura teach all the limitations in claim

21 but fail to teach the method wherein the receiving the stream of multimedia content is

from a separate source on a network.

Hazra teaches the method wherein the receiving the stream of multimedia

content is from a separate source on a network (Fig. 1). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to receive

the stream of multimedia content from a separate source on a network to decrease the

receiving time of the multimedia content.

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to TAT CHI CHIO whose telephone number is (571)272-

9563. The examiner can normally be reached on Monday - Thursday 9:00 AM-5:00 PM

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. C. C./

Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621